

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 03-10393-MLW
)	
STEVEN VARGAS,)	
)	
Defendant.)	

JOINT MEMORANDUM UNDER LOCAL RULE 116.5(C)

Pursuant to Local Rule 116.5(C), the parties hereby submit this Joint Memorandum to address issues relative to the progress of this case.

1. There are no outstanding discovery issues to be resolved by the Court.
2. Although the government has provided the defendant with all documents and discoverable materials in this case, the government may receive additional discoverable information, which it will turn over to the defense.

Additionally, the defendant does not presently have any discoverable information, but pursuant to his agreement to provide reciprocal discovery, will provide the government with any such information received in the future.

3. The defendant does not plan to present a defense of insanity.
4. The government has requested notice of an alibi; the defendant does not intend to offer a defense of alibi.
5. The defendant has not filed, and does not intend to file, any motion to sever, dismiss, or suppress, or any other motion requiring a ruling by the District Court before trial.
6. The parties do not believe any schedule needs to be set concerning any matter in the case other than a change of plea/Rule 11 hearing date.
7. There have been discussions regarding the possibility of an early resolution of the case without a trial, and the government has tendered a proposed written plea

agreement to the defendant, which the defendant has declined to execute in light of the Supreme Court's recent decision in Blakely v. Washington, 2004 WL 1402697 (June 2004). Likewise, in light of the post-Blakely concerns raised by the defendant, the government anticipates seeking a superseding indictment to address these concerns.

8. The parties propose, pursuant to 18 U.S.C. §3161(h)(1)(A), that the Court exclude the time from the arraignment to July 8, 2004, the date of the Final Status Conference.
9. The parties do not anticipate that a trial will be necessary.

Respectfully submitted,

MICHAEL J. SULLIVAN
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STEVEN VARGAS
Defendant

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